

REMARKS

This amendment is in response to the Final Office Action of June 16, 2010. Claim 53 has been cancelled without prejudice. Claims 1-17, 20, 22, 24, 25, 27, 28, 31, 32, 34-36, 38, 45, 46, and 49-52 are currently pending. No new matter has been added.

§ 112 Rejections

Claims 1-17, 20, 22, 24, 25, 27, 28, 31, 32, 34-36, 38, 45, 46, and 49-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action rejects the claims based on phrases in claims 1, 49, and 53. Although the Applicants disagree with the position in the Office Action, to facilitate prosecution claim 53 has been cancelled.

Claim 1 recites that an inner conductor contact has a diameter equal to a diameter of an outer conductor contact. The Office Action asserts that “[t]he specification as originally filed fails to disclose 1) wherein the inner conductor contact has a diameter equal to the diameter of the outer conductor contact” (Office Action, page 2). The Office Action asserts that the specification, instead, discloses that the inner conductor is “approximately the same diameter” as the outer conductor (Office Action, page 3).

Claim 49 recites that the diameter of the outer conductor is equal in length to the diameter of each of the inner conductor contact and the outer conductor contact. The Office Action asserts that “[t]he specification as originally filed fails to disclose ... 2) wherein the diameter of the outer conductor contact is equal in length to the diameter of each of the inner conductor contact and outer conductor contact” (Office Action, page 2). The Office Action asserts that the specification, instead, only discloses “relatively the same diameter” (Office Action, page 3).

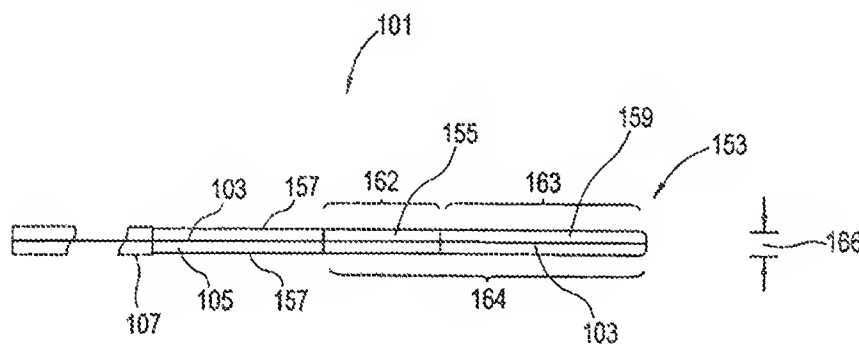
Under M.P.E.P. § 2163(I), “[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” M.P.E.P. § 2163(I) additionally states that “[a]n applicant shows possession of the claimed invention with all of its

limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.”

Paragraph [0040] of the instant specification states that “the inner conductor (103) may be built up ... to approximately the same diameter (166) as the outer conductor (157).” Additionally, paragraph [0043] of the instant specification provides direct support for “a pair of contacts that are exposed to the connector in a sequential axial configuration, both of which are relatively the same diameter as the outer conductor.”

Figure 1 of the instant application is provided below.

FIG. 1



As shown in Figure 1, the guidewire 101 has a proximal end that includes an outer conductor (157) and an extended section (164) that includes an inner conductor contact (163) and an insulated area (162) disposed between the outer conductor (157) and the inner conductor contact (163). Figure 1 shows that the outer conductor (157) extends beyond the proximal end of the outer insulation (107) to expose conductive areas for electrical contact (see *e.g.*, paragraph [0040]). Thus, the exposed conductive area of the outer conductor labeled “157” is the outer conductor contact. The outer conductor contact (157) and the inner conductor contact (163) have the diameter (166).

First, paragraph [0040] of the specification states that the inner conductor (103) may be built up to approximately the same diameter (166) as the outer conductor (157), and paragraph [0043]

states that a pair of contacts that are exposed to the connector in a sequential axial configuration, both of which are relatively the same diameter as the outer conductor.

Second, Figure 1 clearly shows the outer conductor contact (157) and the inner conductor contact (163) as having equal diameters (166).

As stated above, under M.P.E.P. § 2163(I), the standard for satisfying the written description requirement is whether the patent specification describes the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.

One skilled in the art would reasonably conclude that the inventor had possession of the claimed invention. One of skill in the art would consider the recitations of the contacts and the outer conductor having equal diameters to be encompassed by the terms “approximately the same diameter” and “relatively the same diameter”, as stated in paragraphs [0040] and [0043], respectively. Moreover, the relevant figure (Figure 1) shows the contacts and the outer conductor having equal diameters. Given that the specification states that the diameters of the contacts and outer conductor have “approximately” and “relatively” the same diameter, and that the relevant figure shows the elements as being equal, barring a definitive statement to the contrary, one of skill in the art of forming guidewires would assume that the recitation of “equal diameter” is encompassed by the terms “approximately the same diameter” and “relatively the same diameter”.

Therefore, there is adequate support in the specification for the recitations of “wherein the inner conductor contact has a diameter equal to the diameter of the outer conductor contact” and “wherein the diameter of the outer conductor contact is equal in length to the diameter of each of the inner conductor contact and outer conductor contact,” as recited in claims 1 and 49. Accordingly, the rejections of claims 1 and 49, as well as the rejections of claims 2-17, 20, 22, 24, 25, 27, 28, 31, 32, 34-36, 38, 45, 46, and 50-52, which depend from claim 1, should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicants encourage the Examiner to contact the Applicants' representative, Patrick Turner, by telephone to discuss the matter.

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Respectfully submitted,

By 

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